

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	CS Docket No. 02-52
Appropriate Regulatory Treatment for)	
Broadband Access to the Internet Over)	
Cable Facilities)	
)	
)	

COMMENTS OF THE CITY OF RICHARDSON, TEXAS

The City of Richardson, Texas is a home rule City with a population of over 91,000 persons, submits these comments in response to the Notice of Inquiry ("NOI") released September 28, 2000, in the above-captioned proceeding.

The City of Richardson is located in the north Texas area, and is the home of the "Telecom Corridor", a heavy concentration of firms manufacturing and providing telecommunications equipment, software, and telecommunications services.

Because of the intense concentration of telecommunications activity within the Richardson city limits, right-of-way management is a critical concern of this municipality, as is the continued health and growth of the telecommunications industry as a whole.

As might be expected, Richardson residents are voracious consumers of advanced telecommunications services, and the City and its residents have a great deal of interest in the future growth and success of the Internet.

Broadband services are provided with the City currently by AT&T Broadband and by Southwestern Bell (ASL).

The City shares the Commission's NOI objectives of promoting the widespread adoption and deployment of high-speed broadband services, and in preserving a free and healthy market for Internet access. In fact, our City has a direct and compelling interest in the future of these markets.

We also recognize, that the Internet and the methods of connecting to it have created many ambiguous legal frameworks, and inconsistencies in regulatory practice. We applaud the FCC's effort to bring order, where confusion currently dominates.

In these comments, the City focuses primarily on the financial distress created by the classification of cable modem service as an "Information Service" and request that the Commission consider the enormous and wholly negative impact such a classification has on virtually every American municipality.

The arbitrary and unsupportable classification of cable modem service as an "Information Service" may deny local governments the collection of franchise fees that they have collected for many years, with no means to recoup that loss. The City of Richardson stands to lose upwards of \$200,000 dollars annually in franchise fee revenues as a result of this decision, and estimates of the national impact exceed 300 million dollars. Such a hammer blow applied to the financial health of local governments, particularly in economic times such as those we are experiencing today, should be undertaken only for the most urgent of public policy needs. No such need exists here.

Respectfully Submitted

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